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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-05-00216-WHA
)	
Plaintiff,)	
)	
v.)	_____
)	[Proposed] SPEEDY TRIAL ORDER
LEROY E. FRITTS, and)	
RODERICK ALYN PRESCOTT,)	
)	
Defendants.)	

On June 29, 2005, the defendants, Leroy E. Fritts and Roderick Alyn Prescott, were charged in a Superseding Indictment with two counts each of tax evasion in violation of 26 U.S.C. § 7201, and one count of conspiracy to defraud the United States in violation of 18 U.S.C. § 371. Mr. Fritts was additionally charged with one count of witness tampering in violation of 18 U.S.C. § 1512(b). Mr. Fritts was arraigned on August 10, 2005. Mr. Prescott was arraigned on August 16, 2005.

The parties appeared before the Court on August 16, 2005, for a status conference. During the hearing, the Court set the matter over to October 4, 2005, at 2:00 p.m. The parties agree that the time between August 16, 2005, and October 4, 2005, is properly excludable under the Speedy Trial Act due to the complexity of the case and for the continuity and effective preparation of counsel pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(ii) and (iv), and that the ends of justice to be served in excluding the time between these dates outweighs the public's and the defendants' interests in a speedy trial.

Accordingly, the parties respectfully request that the Court exclude time from August 16, 2005, through October 4, 2005, due to the complexity of the case and for the continuity and effective preparation of counsel pursuant to 18 U.S.C. § 3161(h)(8)(A) & (B)(ii) and (iv).

Respectfully submitted,

KEVIN V. RYAN
United States Attorney

Dated: August 16, 2005 /s/ Emily J. Kingston
EMILY J. KINGSTON
Assistant United States Attorneys
Attorneys for the United States of America

BARRY J. PORTMAN
Federal Public Defender

Dated: August 16, 2005 /s/ David Fermino
DAVID FERMINO
Assistant Public Defender
Attorneys for Defendant Leroy E. Fritts

Dated: August 16, 2005 /s/ Joel F. Hansen
JOEL F. HANSEN
Attorney for Defendant Roderick Alyn Prescott

ORDER

IT IS HEREBY ORDERED that the time from August 16, 2005, through October 4, 2005, is excluded under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(ii) and (iv), based on the reasons set forth above.

Dated: August 22, 2005

HONORABLE
United States District Judge

